

HEINS RODRIGUEZ
BLA #2015PI030945
015-220

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In the Matter of the Claim of

HEINS RODRIGUEZ,

Claimant,

-against-

THE CITY OF NEW YORK and
THE NEW YORK CITY POLICE DEPARTMENT,

Respondents.

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DATE: July 15, 2016
TIME: 3:35 p.m.

50-H HEARING of HEINS RODRIGUEZ, the Claimant
herein pursuant to Section 50-H of the General
Municipal Law, held at the offices of Billig Law,
P.C., 61 Broadway, Suite 510, New York, New York
10006, before Elisa Greenwald, a Notary Public of
the State of New York.

1 A P P E A R A N C E S:

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3 HARVIS & FETT, LLP
4 Attorneys for Claimant
5 HEINS RODRIGUEZ
6 305 Broadway, 14th Floor
7 New York, New York 10007
8 BY: MATTHEW FLAMM, ESQ. of Counsel
9 EMAIL: GHarvis@civilrights.NYC

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12 BILLIG LAW, P.C.
13 Attorneys for Respondent
14 THE CITY OF NEW YORK
15 61 Broadway, Suite 510
16 New York, New York 10006
17 BY: SUZANNE BILLIG, ESQ.

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REPORTER'S INK CORP 90 JOHN STREET 646-395-2522

1 H E I N S R O D R I G U E Z, the witness herein,
2 having been first duly sworn before a Notary Public
3 of the State of New York, was examined and testified
4 as follows:

5 EXAMINATION BY: MS. BILLIG

6 Q. Please state your name for the record.

7 **A. Heins Rodriguez.**

8 Q. State your address for the record, please.

9 **A.** [REDACTED]

10 **York 11368.**

11 Q. Mr. Rodriguez, my name is Suzanne Billig. I am
12 an attorney. I am going to ask you questions about
13 a claim that you filed against the City of New York.
14 Please answer the questions with verbal answers. No
15 hand gestures or nods of the head because it cannot
16 be recorded by the court reporter. If you don't
17 understand any of my questions, tell me and I will
18 rephrase it. Just so you get an idea, in the
19 beginning I will go through some background
20 information and then I am going to go through this
21 incident. When I get to the incident most of my
22 questions are very simple, straightforward yes-no
23 type questions if you can answer in that manner.

24 **A. Okay.**

25 Q. Have you ever been known by any other name?

1 **A. No.**

2 Q. What is your date of birth?

3 **A. [REDACTED]**

4 Q. How old are you?

5 **A. [REDACTED] [REDACTED]**

6 Q. What is your social security number?

7 MR. FLAMM: With the understanding that only
8 the last four digits will appear in the record.

9 **A. You need the full?**

10 MR. FLAMM: You give the full thing.

11 **A. XXX-XX-[REDACTED]**

12 Q. Are you currently employed?

13 **A. Yes.**

14 Q. Who is your employer?

15 **A. Forest Staffing Solutions.**

16 Q. Are you working with them on temp jobs, or are
17 you employed by the staffing company?

18 **A. I am employed by them.**

19 Q. What is your job title?

20 **A. It would be service technician.**

21 Q. What do you do as a service technician.

22 **A. I'm a bartender and waiter.**

23 Q. How many days a week do you work?

24 **A. Currently or is this -- I don't --**

25 MR. FLAMM: Now.

1 THE WITNESS: Now?

2 MR. FLAMM: Yes.

3 **A. I am not.**

4 Q. When was the last time that you worked?

5 **A. Before the accident.**

6 Q. You have not worked since this accident?

7 **A. No.**

8 Q. When was the last day that you worked?

9 **A. I don't recall exactly the date. It was summer**
10 **of 2015.**

11 Q. Were you working during the summer?

12 **A. Yes.**

13 Q. Do you intend on returning to work?

14 **A. Yes.**

15 Q. Why have you not worked since the accident?

16 **A. Pretty much pain and I am not functioning as I**
17 **used to for my tasks and for my responsibilities.**

18 Q. Are you able to perform any of your job
19 responsibilities if you were working today?

20 **A. Any?**

21 Q. Yes.

22 **A. Selectively, which is why I haven't returned.**

23 MR. FLAMM: She's asking if you can do any of
24 them. That was the question.

25 Q. Are you able to perform any of your job duties?

1 **A. Some.**

2 Q. Which ones could you perform?

3 **A. More of a -- how do I -- I would say more of**
4 **sitting down position task.**

5 Q. Can you be specific as to what job
6 responsibilities you would do from a sitting down
7 position?

8 **A. Polishing sitting down.**

9 Q. Anything else?

10 **A. Of those, no.**

11 Q. What job activities are you unable to perform?

12 **A. Carrying heavy plates which is on a tray. How do**
13 **I explain that -- right, on a tray.**

14 Q. What is the work address where you would work out
15 of, or is it various as a bartender --

16 **A. Right.**

17 Q. -- and a server?

18 **A. Right.**

19 Q. At catering facilities?

20 **A. Yes, corporate.**

21 Q. Corporate catering?

22 **A. Yes.**

23 Q. Is there a place that you would regularly work
24 out of?

25 **A. Convene.**

1 Q. What is Convene?

2 A. It's a conference center.

3 Q. Where is it located?

4 A. 32 Old Slip.

5 Q. In Manhattan?

6 A. Yes, downtown.

7 Q. What was your salary when you last worked?

8 A. My salary -- you are asking what exactly?

9 Q. How much money were you making?

10 A. Weekly -- I mean is it weekly, yearly?

11 Q. Did you have a yearly salary?

12 MR. FLAMM: Hourly, weekly, yearly however it
13 worked.

14 A. It would be \$20 depending on the event.

15 Q. Twenty an hour?

16 A. Seventeen to 20.

17 Q. Why would it vary?

18 A. Locations.

19 Q. How many hours did you work a week prior to the
20 accident?

21 A. I would say 30.

22 Q. Was it always a 30 hour week or did it vary?

23 A. I would say 30 to full time 40 hours.

24 Q. Is there a work schedule that was created by
25 someone?

1 **A. No.**

2 Q. How would it be determined whether you would work
3 30 or 40 hours?

4 **A. Weekly. So it's a schedule emailed or**
5 **availability. They would ask me if I am available.**

6 Q. What did you tell your employer after the
7 accident?

8 **A. I was unable to work due to therapy.**

9 Q. Did you put that in an email?

10 **A. I don't recall but yes.**

11 Q. So is the reason you didn't go to work because
12 you wanted to go to therapy visits and it interfered
13 with the job?

14 MR. FLAMM: Note my objection.

15 **A. I didn't --**

16 Q. You said to me that you told them you couldn't go
17 to work because you had therapy; correct?

18 **A. Right.**

19 Q. How many days week were you going for therapy?

20 **A. I was going a week four to five times.**

21 Q. For how long each day?

22 **A. More than an hour.**

23 Q. Is there any reason why you couldn't work when
24 your workday --

25 **A. Right.**

1 Q. -- was longer than an hour?

2 MR. FLAMM: Let her finish. Could you read the
3 question back?

4 (The requested portion was read back.)

5 **A. Doctor's notice.**

6 Q. What was that?

7 **A. The doctor didn't allow me to work.**

8 Q. You had a note excusing you from work?

9 **A. Right.**

10 Q. Who was the doctor that gave you that excuse
11 note?

12 **A. I don't remember his name.**

13 Q. Are you still under the care of that doctor?

14 **A. No.**

15 Q. For how long did you treat with that particular
16 doctor?

17 **A. Half a year.**

18 Q. Are you still technically employed by the
19 company?

20 **A. Yes.**

21 Q. Have you received any disability benefits as a
22 result of your injuries or the accident?

23 **A. No.**

24 Q. Have you received any pay at all through sick,
25 vacation or personal days or at all through your

1 employer for any of the days that you missed from
2 work?

3 **A. No.**

4 Q. Have you ever been convicted of a crime?

5 **A. [REDACTED]**

6 Q. Do you receive Medicaid?

7 **A. [REDACTED]**

8 Q. Do you receive Medicare?

9 **A. [REDACTED]**

10 Q. What is your marital status?

11 **A. [REDACTED].**

12 Q. Do you have children?

13 **A. No.**

14 Q. Do you live with anyone?

15 **A. No.**

16 Q. How long have you lived at your current address?

17 **A. Ten years.**

18 Q. Do you have any other residence?

19 **A. No.**

20 Q. Have you ever been known by any other name

21 legally?

22 **A. No.**

23 Q. Do you have a middle name?

24 **A. Williams.**

25 Q. Where were you born?

- 1 A. Corona, Queens. I'm sorry -- Queens, New York.
- 2 Q. Did you graduate high school?
- 3 A. Yes.
- 4 Q. Do you have any education beyond high school?
- 5 A. Yes.
- 6 Q. What education do you have?
- 7 A. Associates in psychology.
- 8 Q. Where do you have the degree from?
- 9 A. LaGuardia Community College.
- 10 Q. What year?
- 11 A. 2013.
- 12 Q. Have you worked at any other job other than the
- 13 current job since you were finished with LaGuardia
- 14 Community College until now?
- 15 A. Yes.
- 16 Q. What other jobs have you held?
- 17 A. What jobs or the place? I'm not sure.
- 18 Q. Where did you work since college?
- 19 MR. FLAMM: Other than through Forest.
- 20 A. Carlton Hotel, River Park. You want numbers?
- 21 MR. FLAMM: Whatever she asked.
- 22 A. River Park New York City and Frames Bowling
- 23 Lounge.
- 24 Q. Have you worked as a server or a bartender --
- 25 A. Expeditor.

1 Q. -- at each of these jobs?

2 **A. Right.**

3 MR. FLAMM: Let her finish.

4 Q. Have you worked as a server or a bartender at any
5 of those jobs?

6 **A. Can you repeat the question again? The last one
7 was?**

8 Q. Have you worked as a server or a bartender at any
9 of those jobs?

10 **A. Yes.**

11 Q. Where did you work as an expediter?

12 **A. At Frames.**

13 Q. Have you ever filed another claim against the
14 City of New York or any city agency?

15 **A. No.**

16 Q. Have you ever filed a claim against the State of
17 New York or any state agency?

18 **A. I'm not sure if my accident --**

19 MR. FLAMM: That was --

20 Q. You can't confer in answering a question when one
21 is pending.

22 MR. FLAMM: To the full extent that you
23 understand what she's asking you may answer.

24 THE WITNESS: (No verbal response).

25 MR. FLAMM: Have you filed a claim against the

1 State of New York?

2 THE WITNESS: No.

3 MR. FLAMM: Or any of -- have you filed a claim
4 against a state agency? Against a state agency.

5 THE WITNESS: I believe so.

6 Q. Which state agency?

7 A. Oh, man. I'm not sure if the summer youth
8 program counts as that.

9 Q. The what program?

10 A. The summer youth program.

11 Q. What kind of claim did you file against the
12 summer youth program?

13 A. It was an accident. It may not be but it was,
14 you know, the summer youth program. I'm not sure if
15 that is a state agency or not.

16 Q. When did this occur that you were injured?

17 A. 2005.

18 Q. What was the name of the youth program?

19 A. That's all I recall. I am not sure if it's a
20 state agency or not.

21 Q. How did you become injured?

22 A. Somebody fell on me.

23 Q. What part of the body did you injure?

24 A. Left ankle.

25 Q. Did you break it?

1 **A. Yes.**

2 Q. Did you injure any other part of the body?

3 **A. No.**

4 Q. Do you know if you sued a state agency or a city
5 agency in connection with that claim?

6 **A. I don't know.**

7 Q. Did you testify in connection with that case
8 where you answered questions under oath?

9 **A. I believe so.**

10 Q. At that time you were under the age of 18?

11 **A. Under the age, yes.**

12 Q. Did you have an adult bring that case on your
13 behalf?

14 **A. Yes.**

15 Q. Who was that adult?

16 **A. My mother.**

17 Q. What is her name?

18 **A. Lydia, L-Y-D-I-A, Rodriguez.**

19 Q. Do you know where you were living at the time?

20 **A. Same address.**

21 Q. Same address that you live at now?

22 **A. Yes.**

23 Q. Does she live with you now?

24 **A. Yes. That's previously I said no I think. I was**

25 confused.

1 Q. No, you said you live alone.

2 **A. Right, which is what I was confused.**

3 Q. So you live with your mother?

4 **A. Yes.**

5 Q. Do you live with anyone else?

6 **A. No.**

7 Q. Do you have any secondary residence?

8 **A. No.**

9 Q. Have you ever been arrested before?

10 MR. FLAMM: Objection. Don't answer that
11 question.

12 **A. No.**

13 Q. Have you ever treated for drug abuse, alcohol
14 abuse or anger management?

15 **A. No.**

16 Q. What was the date of this incident or arrest?

17 **A. August 13th, 2015.**

18 Q. What day of the week did it occur?

19 **A. It's a weekday.**

20 Q. Do you know what day of the week it was?

21 **A. I can't recall.**

22 Q. What time did the incident begin?

23 **A. 4:00 p.m. roughly to 5:00 p.m.**

24 Q. That's how long the entire incident lasted or the
25 time that it started?

1 A. I would say it was between 4:00 and 5:00 p.m.

2 Q. Was anyone with you?

3 A. No.

4 Q. Were there any witnesses?

5 A. People around.

6 Q. Do you know any of their names?

7 A. Names? No.

8 Q. Do you have any way of identifying these people?

9 A. Yes.

10 Q. How would you identify them?

11 A. Business location.

12 Q. Is it somebody who works for a particular

13 business?

14 A. Well, the businesses around this location, yes.

15 Q. What is the name of the business?

16 A. I don't recall.

17 Q. What type of business?

18 A. There is a laundromat, a restaurant.

19 Q. Did someone from the laundromat witness the

20 incident or arrest?

21 A. I don't recall. I just know there was people.

22 Everybody came out.

23 Q. Do you know specifically --

24 A. No.

25 Q. -- who it was that was there from the laundromat?

1 **A. No.**

2 Q. Do you know specifically who was there from the
3 restaurant?

4 **A. No.**

5 Q. Do you have names, business cards, phone numbers,
6 email addresses or any contact information for any
7 of the people who were there at the time?

8 MR. FLAMM: Objection. You can answer.

9 **A. No.**

10 Q. What is the address where you were at the time
11 that you were arrested?

12 **A. The address of the location?**

13 Q. Yes.

14 **A. The crossing streets I can give you. The exact**
15 **address I do not know.**

16 Q. What is that location?

17 **A. 102 Street and 43rd Avenue.**

18 Q. Where is that located?

19 **A. In Corona, Queens.**

20 Q. What were you doing in that location at the time?

21 **A. I was cycling.**

22 Q. When did you start cycling that day?

23 **A. Maybe 15 minutes before.**

24 Q. Where did you leave from on your bike?

25 **A. My house.**

1 Q. Where were you going, or were you just out for a
2 ride?

3 **A. Meeting my mother.**

4 Q. Where were you meeting your mother?

5 **A. Her nail salon.**

6 Q. What plans did you have for the rest of the
7 evening?

8 **A. To go to the city.**

9 Q. Where were you going exactly?

10 **A. To go eat with her in the city.**

11 Q. At a particular restaurant?

12 **A. No. We just go out. It's me and my mother.**

13 Q. What is the name of her nail salon?

14 **A. It's called Nail Salon I think on 43rd Avenue.**

15 Q. That's the name of it Nail Salon on 43rd?

16 **A. I don't recall. I don't go there that's why I
17 couldn't find it.**

18 MR. FLAMM: She just asked you what the name
19 was.

20 Q. Is it in Corona?

21 **A. Yes.**

22 Q. Just prior to this accident or incident
23 occurring, were you riding your bike on 102nd Street
24 or 43rd Avenue in Corona?

25 **A. Can you repeat the question?**

1 Q. Just before this incident began, were you riding
2 your bicycle on 102nd Street or 43rd Avenue?

3 **A. 43rd Avenue.**

4 Q. For how many blocks had you traveled on 43rd
5 Avenue for before this incident began?

6 **A. One minute on that one block.**

7 Q. Were you traveling for a block or more than a
8 block?

9 **A. I didn't finish the block.**

10 Q. So you traveled less than a block?

11 **A. Correct.**

12 Q. How did you get onto 43rd Avenue; in other words,
13 what was the last street you had traveled on on your
14 bicycle?

15 **A. 104.**

16 Q. When you went from 104th Street to 43rd Avenue
17 did you make a right or a left onto 43rd Avenue?

18 **A. Made a left.**

19 Q. While you were riding your bicycle on 43rd Avenue
20 were you going north, south, east or west on 43rd if
21 you know?

22 **A. I don't recall if it's --**

23 Q. Were you in a bike lane?

24 **A. No.**

25 Q. Was there a bike lane present?

1 **A. No.**

2 Q. How many lanes are there for moving traffic on
3 43rd Avenue at the location of where this took
4 place?

5 **A. Two.**

6 Q. Were you in either of those moving travel lanes?

7 **A. Yes.**

8 Q. Which lane were you in?

9 **A. What?**

10 Q. Were you in the left or the right?

11 **A. Going up 43rd Avenue.**

12 Q. As you were traveling on 43rd, which lane were
13 you in?

14 **A. Right.**

15 Q. So it's one lane in each direction?

16 **A. Right.**

17 Q. Is it separated by a double yellow line?

18 **A. Yes.**

19 Q. Was there anything to the right of you?

20 **A. Parked cars.**

21 Q. Were there parked cars in fact present that day?

22 **A. Yes.**

23 Q. Were you in between the parked cars and the
24 travel lane, or were you right in the travel lane
25 for cars to travel in?

1 **A. In between.**

2 Q. How far were you from the parked cars and how far
3 were you from the moving vehicles?

4 **A. I would say a feet or less from the mirrors of
5 the parked cars.**

6 Q. So those parked cars' mirrors were 2 or 3 feet to
7 your right?

8 **A. If there was a -- yes.**

9 Q. Are you talking about the mirrors on the cars
10 that were parked?

11 **A. Parked exactly.**

12 Q. So you were 2 to 3 feet from those mirrors; is
13 that what you said?

14 **A. No. I said about a feet.**

15 Q. You were 1 foot from the mirrors to the right of
16 you?

17 **A. One foot, yes.**

18 Q. How far were you from the travel lane on your
19 left?

20 **A. Enough room for a car to just drive by.**

21 Q. Were you also within a foot of the moving cars?

22 **A. I would say so.**

23 Q. Was it less than a foot?

24 **A. No.**

25 Q. So about a foot?

1 A. It was -- I would just say it was enough space
2 for cars to just -- I mean there was no cars next to
3 me so I couldn't say, but there is maybe more than a
4 feet.

5 Q. What kind of bicycle were you riding?

6 A. A regular bicycle Fixie. One speed.

7 Q. Pixie?

8 A. Fixie.

9 Q. Spell that.

10 A. F-I-X-I-E. It's a -- it like means an one speed
11 bike.

12 Q. Was it yours?

13 A. Yes.

14 Q. Was it a child's size bike or an adult size bike?

15 A. Adult size bike.

16 Q. How would you use the brakes on it; is it brakes
17 on the pedals or hands or something else?

18 A. Hand brakes. Hand pedals.

19 MR. FLAMM: You mean hand brakes.

20 THE WITNESS: Right. I'm sorry.

21 Q. Were you wearing a helmet?

22 A. No.

23 Q. Could you tell me as you were riding on the bike
24 do you know what speed you were traveling?

25 A. I'd say about 12 to 15 miles per hour.

1 Q. Were you standing or seated on the bike?

2 **A. Seated.**

3 Q. Was it dark out?

4 **A. No.**

5 Q. Still light out?

6 **A. Yes.**

7 Q. When did you first have any interaction with any
8 police?

9 **A. After my accident I just -- I mean.**

10 Q. You had an accident on the bike?

11 **A. Right.**

12 Q. So how did the accident occur on the bike?

13 **A. I was struck from the car.**

14 Q. Whose car?

15 **A. It looked like undercover car.**

16 Q. How did the accident occur in detail?

17 **A. I was going up 43rd Avenue and I was struck by an
18 unmarked car on my left side.**

19 Q. Did you see that vehicle before you were struck?

20 **A. No.**

21 Q. How do you know that it was a car that struck
22 you?

23 **A. After I had the accident I realized it was
24 officers that came out of that car.**

25 Q. Did they say anything to you about the accident?

1 **A. No. They just proceeded to handcuff me.**

2 Q. Were you doing anything illegal on the bike?

3 **A. No.**

4 Q. Were you aware at any time that there was any
5 police vehicle following behind you?

6 **A. No.**

7 Q. Were you aware at any time that there was any
8 police vehicle present?

9 **A. No.**

10 Q. What were the traffic conditions like on that
11 roadway on 43rd?

12 **A. Clear.**

13 Q. So you were the only --

14 **A. Yes.**

15 Q. -- person around?

16 **A. Yes.**

17 Q. Was there any indication that you were going to
18 be involved in any kind accident?

19 **A. No.**

20 MR. FLAMM: Note my objection.

21 Q. When you say that you were struck what part of
22 your body, or was it the bike that was struck?

23 **A. I was struck.**

24 Q. Where did you feel the impact to?

25 **A. My left side of my body.**

1 Q. Were you knocked off the bike?

2 **A. Yes.**

3 Q. Where did you land?

4 **A. Street.**

5 Q. Where in the street?

6 **A. I would -- like on the actual street like where**
7 **the cars parked.**

8 Q. In the parking lane?

9 **A. Yes.**

10 Q. Did you contact any vehicles --

11 **A. Yes.**

12 Q. -- after you landed in the street?

13 **A. Before.**

14 Q. What vehicle did you contact?

15 **A. A car.**

16 Q. When you were knocked off the bike you then fell
17 into a car?

18 MR. FLAMM: That's not what he said.

19 Q. I want to know after the impact occurred in the
20 process of falling off the bike did you hit any
21 other cars?

22 **A. Right. I hit a car when I flew off the bike.**

23 Q. Was that a parked car?

24 **A. Yes.**

25 Q. How far did your body move when you say you flew

1 off the bike?

2 **A. Several feet.**

3 Q. Where did you land with respect to the parked
4 car?

5 **A. The left side front. Front left side.**

6 Q. You hit the left front side of the car?

7 MR. FLAMM: That's not what you asked. You
8 said where did you land in relationship, not where
9 did you hit.

10 Q. So what part of the car did you contact?

11 **A. (No verbal response).**

12 MR. FLAMM: The parked car that you struck what
13 part?

14 THE WITNESS: The front left side.

15 Q. Was that vehicle to the right of you in relation
16 to where you had been riding on the bike?

17 **A. Right.**

18 Q. Was there anyone in that car?

19 **A. No.**

20 Q. Did you hit the hood of the car, the door of the
21 car?

22 **A. I would say yes, the front hood of it.**

23 Q. Did you fall off of the hood?

24 **A. Yes.**

25 Q. Where did you land?

1 **A. On the street.**

2 Q. In front of that parked car?

3 **A. Yes.**

4 Q. Are you aware of any people who witnessed what

5 happened?

6 MR. FLAMM: Asked and answered. You may answer
7 again.

8 **A. Yes.**

9 Q. Do you know the names of anyone who saw you get
10 hit by a car and make contact with the parked car?

11 **A. No.**

12 Q. Had you consumed any alcohol within the 24 hours
13 before this occurred?

14 **A. No.**

15 Q. Had you consumed any marijuana or drugs within 24
16 hours before this occurred?

17 **A. No.**

18 Q. Do you wear glasses or contact lenses?

19 **A. Contacts.**

20 Q. Were you wearing them at the time?

21 **A. Yes.**

22 Q. For what vision problems?

23 **A. Afar.**

24 Q. For distance?

25 **A. Yes.**

1 Q. When you felt the impact to your left side did
2 you do anything to try and prevent yourself from
3 hitting the parked car or from falling off or flying
4 off the bike?

5 MR. FLAMM: Note my objection.

6 **A. Can you repeat that again?**

7 MS. BILLIG: Please read back.

8 (The requested portion was read back.)

9 **A. Just put my hands out.**

10 Q. Did you attempt to do anything to prevent
11 yourself from hitting the parked car?

12 MR. FLAMM: Note my objection.

13 **A. Just put my hands out.**

14 Q. Did you lose consciousness?

15 **A. Yes.**

16 Q. Do you know for how long?

17 **A. No.**

18 Q. Do you remember the accident that you had just
19 described to me or are you putting that together now
20 after either something you read or something someone
21 told you?

22 **A. No. I would say it happened and I lost**
consciousness just that moment after I saw the cops.

24 Q. How long was it before you came to?

25 **A. Roughly a minute.**

1 Q. So after a minute that's when you saw the police?

2 **A. Yes.**

3 Q. Where were the police?

4 **A. I'm sorry?**

5 Q. Where were the police?

6 **A. In front of me.**

7 Q. Were they on foot, in a vehicle or something

8 else?

9 **A. They came out of a vehicle.**

10 Q. Which vehicle?

11 **A. A black vehicle.**

12 Q. How many officers?

13 **A. Two.**

14 Q. How do you know they were officers?

15 **A. Uniform.**

16 Q. Police uniform?

17 **A. Yes.**

18 Q. Do you know their names or badge numbers?

19 **A. One of them is named last name Chang.**

20 Q. How do you know the name; did you see it

21 displayed on a badge?

22 **A. Yeah.**

23 MR. FLAMM: Objection.

24 **A. Just name.**

25 Q. On his uniform?

1 A. Yes.

2 Q. Can you describe Officer Chang?

3 A. Can I describe him?

4 Q. Yes.

5 A. My height. I would say -- well, he is Asian.

6 Short hair, fair skin, not dark. That's I mean how

7 I remember him.

8 Q. Do you remember his age?

9 A. Late twenties, early thirties.

10 Q. You said there were -- I'm sorry. How many
11 officers did you see?

12 A. Two.

13 Q. Can you describe the second officer?

14 A. Taller, much heavier. Same -- I would say same
15 race.

16 Q. Asian?

17 A. Yes. I don't recall his last name right now.

18 Q. Is this the first time that you saw them?

19 A. Yes.

20 Q. What did you say to them, or what did they say to
21 you?

22 A. "Why did you not stop". I said, "I did not
23 know."

24 Q. When you said "I do not know"?

25 A. I didn't know I had to stop.

1 Q. Did they specifically say why didn't you stop for
2 a light or a stop sign?

3 **A. No. Just why did you not stop.**

4 Q. Did you see that vehicle chasing anyone or engage
5 in any kind of police activity before?

6 **A. No.**

7 Q. When they asked you why did you not stop did they
8 point to or refer to the location they were talking
9 about?

10 **A. No.**

11 Q. When you said you did not know what did you mean
12 by that?

13 **A. I did not know that I had to stop.**

14 Q. Was there any traffic control device within a
15 block before the accident?

16 **A. Traffic control device?**

17 Q. Stop sign, yield sign, traffic light, anything at
18 all?

19 **A. Was there in front of me or behind me?**

20 Q. At that location?

21 **A. No.**

22 Q. Was there any roadblock?

23 **A. No.**

24 Q. Did they say anything further to you about why
25 you didn't stop?

1 **A. No, just --**

2 Q. Did they tell you why you were supposed to stop?

3 **A. They said that I needed to stop for them. If not**
4 **that's, you know, I was running off on them. That's**
5 **what they said.**

6 Q. So was one of the vehicles -- did you pass the
7 police vehicle --

8 **A. No.**

9 MR. FLAMM: Let her finish.

10 Q. -- when you were riding in between the parked
11 cars and the far right lane of travel?

12 **A. No.**

13 Q. Do you know where that police car was when they
14 said you needed to stop for them; in other words,
15 where were they?

16 **A. No, I was not aware of them.**

17 Q. Did they give you any other information or say
18 anything else to you when they stopped you?

19 **A. No.**

20 Q. Did you say anything else to the officers?

21 **A. I needed to go to the hospital.**

22 Q. Why did you need to go to the hospital?

23 **A. I had pain and I had bruises, scratches. I was**
24 **in pain.**

25 Q. Did anyone say anything to you at any time as to

1 what vehicle it was that may have contacted you when
2 you felt an impact on your left side?

3 **A. Can you repeat the question?**

4 (The requested portion was read back.)

5 MR. FLAMM: Note my objection.

6 **A. No.**

7 Q. When you asked to go to the hospital what was the
8 response?

9 **A. There was no response.**

10 Q. What is the next thing that happened?

11 **A. I was taken into a police vehicle.**

12 Q. Were you searched first?

13 **A. No.**

14 Q. Were you told you were under arrest?

15 **A. When I was told I was under arrest, yes.**

16 Q. Were you placed in handcuffs first?

17 **A. Yes.**

18 Q. Who placed you in the handcuffs?

19 **A. The officer.**

20 Q. Which one?

21 **A. The driver.**

22 MR. FLAMM: The one whose name you do not
23 remember?

24 THE WITNESS: Right.

25 Q. So it was the second officer that handcuffed you?

1 **A. I'm sorry?**

2 Q. It was the second officer that handcuffed you?

3 **A. Second?**

4 Q. Not Chang, the other one?

5 **A. Yes.**

6 Q. Did he tell you what you were being arrested for?

7 **A. Just why didn't you stop.**

8 Q. Did you ever learn at any time what it was that
9 officers believed that you needed to stop for or
10 that you failed to stop for?

11 **A. Can you say the beginning of that question again?**

12 MS. BILLIG: Please read it back.

13 (The requested portion was read back.)

14 **A. One-way. An one-way. They -- I was going on an
15 one-way. I guess that's what they --**

16 MR. FLAMM: Don't guess.

17 Q. You mean the wrong way on an one-way?

18 **A. They said I was going on an one-way -- on the
19 wrong way on an one-way.**

20 Q. Were you doing that going the wrong way on an
21 one-way?

22 **A. I did previously.**

23 Q. When you felt an impact and flew off the bike
24 were you going the wrong way on a one-way street?

25 **A. I was going the right way.**

1 Q. So at what point did you turn yourself around to
2 go the correct way on that same street?

3 MR. FLAMM: Note my objection. It assumes
4 facts. Can you answer that question?

5 **A. Can you repeat the question please?**

6 (The requested portion was read back.)

7 **A. On a corner of 104.**

8 MR. FLAMM: No. On that street at what time
9 did you turn around to go on the right way at any
10 time?

11 THE WITNESS: No. I was on the right way on
12 that street.

13 Q. You said you admitted that you had previously
14 been going the wrong way; what street were you on
15 when you were going the wrong way?

16 **A. 104.**

17 Q. Is that the block before the accident?

18 **A. Yes.**

19 Q. For how long did you travel the wrong way on
20 104th Street?

21 **A. It was -- how long? A minute.**

22 Q. Did you travel the whole block going the wrong
23 way on that street?

24 **A. No.**

25 Q. How far did you travel going the wrong way on

1 that street?

2 **A. Just the corner.**

3 Q. Did you realize you were going the wrong way?

4 **A. Yes.**

5 Q. Why were you going the wrong way on that street?

6 **A. I was on the corner and I got off the bike.**

7 Q. Then what did you do at that point?

8 **A. I waited for the cars to move from -- like for**

9 **traffic to move so I could cross.**

10 Q. Did you see any police officers when you were
11 going the wrong way on 104th Street?

12 **A. No.**

13 Q. So when the officers said that you were going the
14 wrong way did you tell the police or admit to them
15 that you had been going the wrong way on 104th?

16 **A. No.**

17 Q. Did you get a ticket for that?

18 **A. No.**

19 Q. Did you get any tickets?

20 **A. No.**

21 Q. When the officers said to you that you were going
22 the wrong way did you say anything in response?

23 **A. No. I was on the right way of the street when I
spoke to them.**

25 Q. Is there anything else that was said between you

1 and the officers at that time?

2 **A. I wanted to go to the hospital. My body was in**
3 **pain. I did not know they was over there. That it**
4 **was even behind me.**

5 Q. Were you bleeding from anywhere?

6 **A. Yes.**

7 Q. Where?

8 **A. My arm.**

9 Q. Which arm?

10 **A. And my leg. Right arm.**

11 Q. Be very specific about where you were bleeding
12 from?

13 **A. My -- right next to my elbow. My right elbow.**

14 Q. Were you wearing a long sleeve shirt?

15 **A. A short sleeve shirt.**

16 Q. Where were you bleeding on the leg and which leg
17 was it?

18 **A. My right leg also.**

19 MR. FLAMM: Where?

20 THE WITNESS: I would say on my right side from
21 my knee.

22 Q. From your knee to where?

23 **A. It was scrapes like on my thigh and my right**
24 **knee.**

25 Q. Did you require stitches?

1 **A. No.**

2 Q. Where were you taken to?

3 **A. Elmhurst Hospital.**

4 Q. How were you taken there?

5 **A. Ambulance.**

6 Q. Is there anything else that happened with the
7 officers before you were taken to Elmhurst?

8 **A. I was taken to the precinct.**

9 Q. So you went to the precinct first?

10 **A. Yes.**

11 Q. Which precinct?

12 **A. 110.**

13 Q. How long were you there for?

14 **A. Half an hour.**

15 Q. What happened during that half hour?

16 **A. I was processed, brought to the desk officer at**
17 **front and after that I was taken to the cell area.**

18 Q. When you say you were processed; do you mean
19 fingerprinted?

20 **A. No.**

21 Q. Were you photographed?

22 **A. No.**

23 Q. Were you placed in a cell?

24 **A. Yes.**

25 Q. How long were you in a cell for?

1 **A. Minutes.**

2 Q. Then an ambulance arrived after that?

3 **A. Yes.**

4 Q. Did they transport you in a stretcher, or were
5 you seated inside the ambulance?

6 **A. I was on a stretcher in the ambulance.**

7 Q. What treatment did you receive at Elmhurst
8 Hospital on that visit?

9 **A. Pain medication, X-rays.**

10 Q. To your knowledge was there any police report
11 prepared about the accident when you were struck on
12 the bike?

13 **A. Was there a police report -- was I -- sorry.**

14 Q. Is there a police report that exists for your
15 accident when you were on your bike?

16 **A. Yes.**

17 Q. Do you have that with you?

18 **A. No.**

19 MS. BILLIG: Counselor, do you have that
20 report?

21 MR. FLAMM: It's in the file. I don't have it
22 with me.

23 MS. BILLIG: I am going to request that you
24 please provide a copy to the City Comptroller's
25 Office.

1 MR. FLAMM: So noted and same will be produced
2 at the appropriate time.

3 Q. Have you seen that report?

4 **A. Yes.**

5 Q. Does the report include any statement that you
6 made to police as to how you claim the accident
7 occurred?

8 **A. No.**

9 Q. Do you know who signed that report?

10 **A. The driver of my accident.**

11 Q. What was the name of the driver?

12 **A. I am really trying to remember.**

13 MR. FLAMM: If you don't remember, you don't
14 remember.

15 THE WITNESS: I don't.

16 Q. Is that statement reflected on the report?

17 **A. What statement?**

18 Q. The driver's statement is it listed in the
19 accident description on the report?

20 **A. Yeah. Parts, yes.**

21 Q. Do you remember what the statement said?

22 **A. That I fell off my bike.**

23 Q. Was your bike damaged?

24 **A. I believe so.**

25 Q. Where is it now?

1 A. Still in the possession of Queens. I'm not sure
2 if it's criminal court's or maybe they have it in
3 the precinct. I'm not sure exactly.

4 Q. It was impounded?

5 A. They took it as arrest evidence. That's what I
6 know.

7 Q. Now, once you were brought to the 110th Precinct
8 is there anything else that happened there or
9 anything else that was said between you and the
10 officers before you left by ambulance?

11 A. The same thing. Why didn't I stop, you know, I
12 should have stopped.

13 Q. When you were at Elmhurst Hospital what treatment
14 did you receive?

15 MR. FLAMM: Asked and answered. You may answer
16 again.

17 A. I was under pain medication and X-rays.

18 Q. What did they X-ray?

19 A. Where?

20 Q. What part of the body?

21 A. My elbow. My right elbow.

22 Q. What was the result?

23 A. And my wrist.

24 Q. What was the result of those X-rays?

25 A. Nothing was broken.

1 Q. That was the right wrist?

2 **A. I had cartilage and, you know, tissue damage.**

3 Q. Did they tell you that at the hospital?

4 **A. Yes.**

5 Q. Did they perform any surgery?

6 **A. No.**

7 Q. Do you recall striking your right arm on anything
8 in your accident?

9 **A. The car and the floor.**

10 Q. The parked car?

11 **A. Right.**

12 Q. How long were you at Elmhurst?

13 **A. Overnight stay.**

14 Q. Is there anything else they did for you there?

15 **A. No.**

16 Q. Were you returned back to the same precinct?

17 **A. Yes.**

18 Q. Do you recall the time you arrived back at the
19 precinct?

20 **A. Morning.**

21 Q. Do you know the time?

22 **A. 6:00 to maybe 8:00 p.m -- I mean 6:00 a.m.**

23 **Sorry.**

24 Q. When you were returned to the precinct were you
25 in any medical devices at that time; in other words,

1 a sling or a cast or any other sort of device?

2 **A. No.**

3 Q. What part of the body are you claiming was
4 injured in the accident when you were on the bike?

5 **A. My back. My mid to lower back spine area. My**
6 **right elbow, my left knee, my right knee and thigh.**

7 Q. Which thigh?

8 **A. Right. Both wrists.**

9 Q. Did you have any fractures?

10 **A. My mid back has a -- my mid back was tissue**
11 **damage and there was --**

12 Q. I asked about fractures. Any broken bones to any
13 part of the body?

14 **A. No.**

15 Q. Have you had any surgery?

16 **A. Surgery? No.**

17 Q. Are you right handed, left handed or
18 ambidextrous?

19 **A. Right handed.**

20 Q. Did you ever have any other medical treatment
21 after you were seen Elmhurst Hospital?

22 **A. Yes.**

23 Q. When was the next time you had any further
24 medical attention?

25 **A. Therapy.**

1 Q. When did you go for therapy?

2 **A. Right after my accident. I would say within
3 weeks.**

4 Q. How many weeks?

5 **A. Two to maybe three.**

6 Q. Where did you go for the treatment?

7 **A. The location is Northern Boulevard between 79 and
8 80th.**

9 Q. Do you know the name of the facility?

10 **A. P -- I don't exactly remember the whole name.**

11 Q. What part of the body did they treat?

12 **A. Every part that was affected.**

13 Q. For how long did you attend treatment there?

14 **A. Six months.**

15 Q. How many days a week?

16 **A. Four to five.**

17 Q. When did treatment end?

18 **A. March of 2016.**

19 Q. Were you discharged from their care at that time?

20 **A. Yes.**

21 MS. BILLIG: I am going to leave a space in the
22 transcript for the name and address of that physical
23 therapy facility.

24 (Insert): _____.

25 Q. Have you had any medical treatment for your

1 injuries from the accident since March of 2016 until
2 now, any form of treatment?

3 **A. Well, I wanted to add before my therapy ended I**
4 **also received shots for my back.**

5 Q. But I am just asking if you had any other
6 treatment since March of 2016 until now?

7 **A. No.**

8 Q. Other than the injections for your back, have you
9 had any other form of treatment since the accident?

10 **A. No.**

11 Q. Where did you go for the injections to the back?

12 **A. It was a referral from my therapy.**

13 MR. FLAMM: She asked where.

14 **A. Union Turnpike. I don't know exactly the name of**
15 **the location.**

16 Q. How many times did you have injections?

17 **A. Two.**

18 Q. Do you recall either of the dates?

19 MR. FLAMM: Think back. Winter, spring.

20 **A. I would say winter and then spring.**

21 Q. Was it for your upper, mid or lower back?

22 **A. My mid lower back.**

23 Q. Did it help you?

24 **A. Yes.**

25 Q. Any other treatment that you have had MRIs,

1 X-rays, diagnostic tests?

2 **A. MRIs.**

3 Q. When did you have MRIs?

4 **A. This year. Beginning of the year.**

5 Q. At what facility?

6 **A. On Queens Boulevard.**

7 Q. Do you know the name of it?

8 **A. No.**

9 Q. Who referred you for the MRIs?

10 **A. My same therapy.**

11 Q. What part of the body was it for?

12 **A. My head, my back and wrist.**

13 Q. Which one?

14 **A. My right wrist.**

15 Q. What were the results of the MRIs?

16 **A. Tissue damage. My back the discs were
17 compressed. They were -- the discs in my back were
18 compressed and it was not straight. Well, it was
19 too straight. It wasn't curved.**

20 Q. Who discussed the results with you?

21 **A. I'm sorry?**

22 Q. Who discussed those results with you?

23 **A. The doctor and the person that did the X-ray.**

24 Q. Have you now mentioned all treatment that you
25 have had following this accident?

1 **A. I'm sorry?**

2 Q. Have you mentioned all the treatment that you
3 have had due to this accident?

4 **A. Yes.**

5 Q. Is there any additional treatment that you have
6 scheduled right now?

7 **A. No.**

8 Q. Is there any additional treatment that you intend
9 on having?

10 **A. Counseling.**

11 Q. Have you been for counseling yet?

12 **A. Yes.**

13 Q. When did you start going for counseling?

14 **A. During my -- for therapy they also had a referral**
15 **there.**

16 Q. What is the name of the person that you saw for
17 the counseling?

18 **A. It was different -- it was a different technician**
19 **I would say. The person that treated me.**

20 Q. When you say counseling what exactly did you go
21 for?

22 **A. It was psychological.**

23 Q. Why did you have psychological treatment?

24 **A. Because of the way I felt afterwards of my**
25 **accident.**

1 Q. How were you feeling that you felt you needed
2 psyche treatment?

3 A. I felt I couldn't really go out as much. I
4 didn't feel the same way. Depressed.

5 Q. For how long were you depressed?

6 A. I would say during the time that I was unable to
7 actually make my regular like functions like my
8 routine.

9 Q. How many times did you go to see this counselor?

10 A. She was there about three times.

11 Q. So while you were at therapy you would see the
12 counselor?

13 A. Correct.

14 Q. How long was each session?

15 A. Half an hour.

16 Q. Why did you stop going?

17 A. Different -- the schedules. She wasn't -- they
18 wasn't -- it wasn't there when I would go for
19 therapy.

20 Q. Have you ever been to a mental health
21 professional before?

22 A. No.

23 Q. Have you ever suffered from depression before?

24 A. No.

25 Q. Are you still suffering from any depression or

1 any emotional distress as a result of this accident
2 today?

3 **A. Yes.**

4 Q. Can you tell me what you are suffering from
5 today?

6 **A. I would say it's more of a -- I can't -- I feel**
7 **like I can't go around the same area at times. I**
8 **don't -- I feel fidgety sometimes when I see police**
9 **officers. Like I don't feel the same way about them**
10 **as I used to.**

11 Q. What happened to the criminal case that was
12 brought against you; were you charged?

13 **A. Was I charged?**

14 Q. Yes. Were you charged with anything?

15 **A. Resisting arrest.**

16 Q. Were you charged with anything else?

17 **A. Obstruction. I guess the traffic.**

18 Q. Was that a traffic ticket, a misdemeanor or
19 something else?

20 **A. It was a traffic ticket.**

21 Q. And being charged with resisting arrest do you
22 know if that was a misdemeanor or something else?

23 **A. I don't know.**

24 Q. Were you charged with anything else other than
25 resisting arrest and obstruction of traffic?

1 **A. Possession of marijuana.**

2 Q. Anything else?

3 **A. No.**

4 Q. Did you have marijuana on you?

5 **A. On my book bag, not on me.**

6 Q. How much did you have in your book bag?

7 **A. Some grams.**

8 Q. How many?

9 **A. Some grams. I don't know.**

10 Q. Did you plead guilty to that?

11 **A. No.**

12 Q. Is that case still pending?

13 **A. No.**

14 Q. Was it your marijuana?

15 **A. I don't remember having it.**

16 Q. Did you consume any marijuana before you were

17 arrested?

18 **A. No.**

19 MR. FLAMM: Note my objection. Asked and

20 answered.

21 Q. Are you claiming that someone put it in your bag?

22 MR. FLAMM: No. He said he did not remember it

23 being there.

24 Q. Do you know how it came to be there?

25 **A. Forgotten.**

1 Q. Did you see the police searching your book bag?

2 **A. No.**

3 Q. Did they tell you they searched your book bag?

4 **A. They took my possessions.**

5 MR. FLAMM: She asked did the police tell you

6 they had searched your book bag.

7 **A. Afterwards, yes.**

8 Q. Did they tell you afterwards that they found the

9 marijuana in there?

10 **A. Yes.**

11 Q. What did you say in response if anything?

12 **A. I did not remember.**

13 Q. Did you go to court in connection with those

14 charges?

15 **A. Yes.**

16 Q. How did you plead to the obstruction of traffic

17 charge?

18 **A. Not guilty.**

19 Q. How did you plead to the marijuana possession

20 charge?

21 **A. Not guilty.**

22 Q. How did you plead to the resisting arrest charge?

23 **A. Not guilty.**

24 Q. Were you resisting arrest?

25 **A. No.**

1 Q. Did you have a legal aid attorney representing
2 you?

3 **A. Yes.**

4 Q. How many times did the case appear in court?

5 **A. I would say more than ten times or about ten**
6 **times.**

7 Q. Do you recall any of the dates?

8 **A. It was various.**

9 MR. FLAMM: She asked do you recall.

10 THE WITNESS: I don't.

11 Q. Do you recall when the last court date was?

12 **A. May.**

13 Q. Yes, sir. Do you remember when the last court
14 date was?

15 **A. May 20-something. Mid May.**

16 Q. What happened on May 20th?

17 **A. Case was ACD.**

18 Q. ACD?

19 **A. Yes.**

20 Q. Was there any bail set at any time?

21 **A. No.**

22 Q. Did this case ever go in front of a grand jury?

23 **A. No.**

24 Q. Are you claiming that you got into any fistfight,
25 physical altercation or any physical fight with any

1 of the officers?

2 **A. No.**

3 Q. Are you claiming that you sustained an injury in
4 any other way from the time of the accident until
5 the time of your release other than being knocked
6 off your bike?

7 **A. Can you repeat that question?**

8 Q. Are you claiming that you were physically caused
9 to sustain injury to any part of your body at any
10 time other than being knocked off the bike?

11 **A. No.**

12 Q. Are you claiming that anyone beat you up?

13 **A. No.**

14 Q. Are you claiming anyone assaulted you?

15 MR. FLAMM: Note my objection.

16 **A. I felt assaulted.**

17 Q. From being knocked off the bike you mean?

18 **A. With the car purposely, yes.**

19 Q. What makes you think that you were purposely
20 knocked off the bike?

21 **A. I flew with kinetic energy into another car.**

22 Q. Have you seen any photographs or videos that show
23 you on the bike and getting knocked off the bike?

24 **A. Yes.**

25 Q. Do you know who took those photographs or videos?

1 **A. I don't recall.**

2 Q. Where did you watch those photographs or see
3 those photographs or videos?

4 **A. At court.**

5 Q. Who had them?

6 **A. My legal aid.**

7 Q. Was it photographs, videos or both?

8 **A. Videos.**

9 Q. What was the name of the legal aid attorney?

10 **A. Andre Watson.**

11 Q. What did the video show?

12 **A. Getting struck by an unmarked police vehicle.**

13 Q. When did you see it for the first time?

14 **A. Prior to the accident -- I mean prior to the
15 court date.**

16 Q. Was that video admitted into court at any time?

17 **A. Yes.**

18 Q. Who admitted it into court?

19 **A. Andre Watson my legal aid.**

20 Q. Does anyone else have a copy of that video other
21 than Andre Watson?

22 **A. I would say the court itself.**

23 Q. How long is the video?

24 **A. I would say about a minute.**

25 Q. Does it show the license plate number of the car?

1 **A. Of the -- which car?**

2 Q. The unmarked car?

3 **A. I believe so.**

4 Q. Do you know the license plate?

5 **A. No.**

6 Q. What color was the car?

7 **A. Black.**

8 Q. What was the model and the make of the car?

9 **A. I would say a Ford.**

10 Q. Are you remembering that from afterwards when you
11 were arrested or are you remembering that from
12 having seen the video?

13 MR. FLAMM: Note my objection.

14 **A. From the accident.**

15 Q. Did you go into that black car when you were
16 transported to the precinct?

17 **A. No.**

18 Q. Did you ever see anyone operating that vehicle at
19 any time?

20 **A. They went back into the vehicle. Police
21 officers.**

22 Q. But that was afterwards; correct?

23 **A. Right.**

24 Q. How long were you in police custody for from the
25 day you were arrested until the time you were

1 released?

2 **A. Throughout the hospital visit and then even after**
3 **to the precinct and then central bookings.**

4 MR. FLAMM: How many days if days. Days, hours
5 approximately how long?

6 THE WITNESS: I would say two days.

7 Q. What was the date and time you were released?

8 **A. August 14th, 2015. Afternoon, night.**

9 Q. At what time?

10 **A. I would say afternoon. I don't recall.**

11 Q. Can you approximate the time?

12 MR. FLAMM: He just did. He said afternoon or
13 night.

14 MS. BILLIG: He said in the afternoon --

15 MR. FLAMM: Or night.

16 MS. BILLIG: -- and then he said night and I
17 didn't hear or in between that.

18 Q. So can you approximate what time that it was that
19 you were released?

20 **A. I would say afternoon. Mid afternoon.**

21 Q. So about twelve o'clock?

22 MR. FLAMM: That's not mid afternoon. That's
23 noon.

24 **A. I can't exactly say the hour.**

25 MR. FLAMM: Thank you.

1 Q. Can you give a range?

2 MR. FLAMM: Afternoon night. He's already
3 answered your question.

4 Q. Can you be anymore specific on the time whether
5 it was between 12:00 and 2:00, 1:00 and 3:00, 2:00
6 and 4:00, 4:00 and 6:00?

7 **A. 12:00 and 8:00.**

8 Q. Did you have legal aid at the arraignment?

9 **A. Yes.**

10 Q. Were you released on your own recognizance from
11 that arraignment?

12 **A. Yes.**

13 Q. Did you have legal aid the entire duration of
14 this case?

15 **A. Yes.**

16 Q. Did anything come up in front of the judge at
17 your arraignment about the accident you had on your
18 bike?

19 **A. Can you repeat at that question, please.**

20 (The requested portion was read back.)

21 MR. FLAMM: Note my objection.

22 **A. Did anything come up from the accident? The
23 video?**

24 MR. FLAMM: At arraignment when you first were
25 brought before the judge was there any discussion

1 about the circumstances of the collision?

2 THE WITNESS: No.

3 MR. FLAMM: Thank you.

4 Q. Did you ever testify in connection with the case?

5 **A. I'm sorry?**

6 Q. Did you ever testify --

7 **A. Yes.**

8 Q. -- in the criminal case?

9 **A. Yes.**

10 MR. FLAMM: Testify under oath, not talk to
11 someone. Testify.

12 **A. I'm sorry. No.**

13 Q. Did the case go in front of a grand jury?

14 MR. FLAMM: Asked and answered. You can answer
15 again.

16 **A. No.**

17 Q. Did it go to trial?

18 **A. Yes, I think so. It was -- I'm not sure exactly.**

19 MR. FLAMM: Objection as to did it go to. Did
20 a trial begin or was it scheduled for trial or was
21 it something else?

22 THE WITNESS: Maybe it was scheduling for
23 trial. I don't know.

24 Q. Was there any other evidence in the case that you
25 were aware of presented by either side other than

1 the video?

2 MR. FLAMM: Note my objection.

3 **A. No.**

4 Q. Did you ever file a complaint with Civilian
5 Complaint Review Board or Internal Affairs
6 concerning what happened or concerning the officers?

7 MR. FLAMM: Objection.

8 **A. Civilian Complaint Review?**

9 Q. Civilian Complaint Review Board, CCRB?

10 **A. Yes.**

11 Q. You made a complaint with CCRB?

12 **A. Yes.**

13 Q. Was that done in person or on the phone?

14 **A. Person.**

15 Q. When was that made?

16 **A. Shortly after my accident.**

17 Q. Was anyone with you at the time?

18 **A. Yes.**

19 Q. Who was with you?

20 **A. It was a friend of mine.**

21 Q. Were you with an attorney?

22 **A. No.**

23 Q. Did you ever get anything in writing concerning
24 the outcome of the investigation?

25 **A. A letter.**

1 Q. What did the letter say?

2 **A. Unsubstantiated.**

3 Q. Do you still have that letter?

4 **A. I believe so.**

5 Q. What was the nature of the complaint that you
6 made?

7 **A. The way the police treated me during arrest. It
8 was a false arrest.**

9 Q. Anything else that you claimed?

10 **A. I mean I was hurt during -- I mean throughout
11 their -- I mean the arrest I was hurt.**

12 Q. The final court date you said was May 20th of
13 2016?

14 MR. FLAMM: He also said it was mid May.

15 **A. Yes.**

16 Q. On that day were you in court?

17 **A. Yes.**

18 Q. Was there any motion made at that time to dismiss
19 the case?

20 **A. I don't recall.**

21 Q. Do you know how the case came to be dismissed, or
22 was it not dismissed? Was it just an ACD?

23 **A. Yes.**

24 Q. Was that for a six month or 12 month period?

25 **A. Three months.**

1 Q. Has that time since expired?

2 **A. No.**

3 Q. When does it expire?

4 **A. I would say end of July, August.**

5 Q. Have you had any arrests since --

6 **A. No.**

7 Q. -- the last court date?

8 **A. No.**

9 Q. Are there any other persons with knowledge of
10 this arrest or your accident on your bicycle?

11 **A. Is there anybody else knowledgable?**

12 Q. Any other person with knowledge of the accident?

13 **A. Yes.**

14 Q. Anyone with personal knowledge who was there who
15 saw it with any personal knowledge, not from what
16 they heard from you?

17 **A. No.**

18 Q. Was this in a newspaper or in any media?

19 **A. No.**

20 Q. Do you expect to have any additional medical care
21 or attention from this accident or your injury?

22 **A. Yes.**

23 Q. What additional treatment?

24 **A. Counseling.**

25 Q. When do you plan on having more counseling?

1 **A. When I actually have -- I mean to pay for it.**

2 Q. Who paid for it previously?

3 **A. I have bills to pay.**

4 Q. Did you ever have any prior back problems?

5 **A. No.**

6 Q. Right wrist or right elbow problems?

7 **A. No.**

8 Q. Neck problems?

9 **A. No.**

10 MR. FLAMM: He's not claiming neck problems.

11 Q. Did you ever have any prior problems to your
12 right knee or your right thigh?

13 **A. No.**

14 Q. Did any doctor -- strike that.

15 Did you ever injure the same parts of the body
16 that you claimed to have injured in this accident
17 before this accident?

18 **A. No.**

19 Q. Were your medical bills paid for by any insurance
20 company?

21 **A. No.**

22 Q. Are there any bills that you paid for out of your
23 own pocket?

24 **A. No.**

25 Q. Now, you mentioned a video. Are there any

1 photographs concerning this matter?

2 **A. Yes.**

3 Q. What photographs?

4 **A. My bruises and what I got hurt on my right side.**

5 Q. Do you have any permanent scar or mark --

6 **A. Yes.**

7 Q. -- from the accident?

8 MR. FLAMM: Let her finish, please.

9 Q. Where?

10 **A. Right elbow.**

11 Q. May I see it?

12 **A. (Showing elbow).**

13 Q. Can you point to it?

14 **A. (Pointing).**

15 Q. What do you claim your scar is from?

16 **A. From hitting the street. From the collision of**

17 **the accident.**

18 Q. Is that a healed abrasion?

19 **A. I'm sorry?**

20 MR. FLAMM: Note my objection.

21 Q. You had an abrasion there?

22 **A. Yes.**

23 Q. Did that area require any stitches?

24 MR. FLAMM: Objection. Asked and answered you

25 may answer again.

1 **A. No.**

2 Q. Did you have any scar on the right elbow before
3 this occurred?

4 **A. No.**

5 Q. Had you ever had any interaction with the same
6 officers that you claim that you saw after this
7 incident at any time in your life before the
8 incident?

9 **A. No.**

10 Q. Have you had any interaction with those same
11 officers since this incident until now?

12 **A. Just court appearances.**

13 Q. Have you seen them or had any discussion with
14 them at that time?

15 **A. No.**

16 Q. Has there been any interaction?

17 **A. No.**

18 Q. You are claiming in your notice of claim that you
19 are suffering from loss of reputation. Can you tell
20 me how you are claiming a loss of reputation?

21 **A. I just -- I don't feel like I am the same. I am**
22 **just -- I can't function the same. Like I am not**
23 **going to be known as -- you know, I can't work as**
24 **good at work. That's the way I feel. I can't**
25 **perform exactly the same.**

1 Q. What current limitations do you have, physical
2 limitations that you claim is attributable to you
3 falling off the bike?

4 **A. My back.**

5 MR. FLAMM: Note my objection. He was struck
6 and thrown from the bike. He didn't fall.

7 Q. Go ahead. Tell me the restrictions and
8 limitations that you claim that you have as a result
9 of the accident.

10 **A. I can't reach for things the same way. I feel a**
11 **tingling sharp pain in my mid back. My wrists are**
12 **weakened. I can't hold on to things as tight**
13 **enough. Especially the handle bars I mean.**

14 Q. So you still ride a bike?

15 **A. I try.**

16 Q. What bike are you riding now?

17 **A. A regular bicycle.**

18 Q. Is it yours?

19 **A. Yes.**

20 (Continued on next page to include jurat.)

21

22

23

24

25

1 Q. How often do you ride it?

2 **A. I try to skip a day and stuff like that. It's my**
3 **way of transportation.**

4 MS. BILLIG: Please provide HIPAA
5 authorizations for the release of all medical
6 records and the release of all criminal records.
7 The city deems the hearing open and incomplete until
8 they have all been furnished. I have no other
9 questions at this time.

10 MR. FLAMM: Thank you.

11 MS. BILLIG: Thank you.

12 (Time noted: 4:48 p.m.)

13

14

15 HEINS RODRIGUEZ

16

17 Subscribed and sworn to before
18 me this day of , 2016.

19

20 Notary Public

21

22

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C E R T I F I C A T E

2

I, Elisa Greenwald, a shorthand reporter and
Notary Public within and for the State of New York,
do hereby certify:

5

That the within statement is a true and
accurate record of the stenographic notes taken by
me.

8

I further certify that I am not related to
any of the parties to this action by blood or
marriage, and that I am in no way interested in the
outcome of this matter.

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ELISA GREENWALD

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